

*Mason*  
*37504-082106*



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**AUGUST 21, 2006  
2:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**1. Call to Order--Roll Call.**

The Invocation was delivered by Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

Welcome. Mayor Harris.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's Council meeting will be replayed on Channel 3 on Thursday, August 24, 2006, at 7:00 p.m., and Saturday, August 26, 2006, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), CLICK ON THE SERVICE ICON, CLICK ON COUNCIL AGENDAS TO ACCESS THE APPROPRIATE AGENDA AND COUNCIL MEETING. IF ADOBE ACROBAT IS NOT AVAILABLE, A PROMPT WILL APPEAR TO DOWNLOAD PRIOR TO VIEWING AGENDA INFORMATION.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), TO OBTAIN AN APPLICATION.

## **2. PRESENTATIONS AND ACKNOWLEDGEMENTS:**

A Resolution memorializing the late James R. Olin, a former member of the United States House of Representatives.

**Adopted Resolution No. 37504-082106. (7-0)**

**File #367**

3.

## **CONSENT AGENDA**

**Approved (7-0)**

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the Audit Committee meeting held on Monday, June 5, 2006.

**RECOMMENDED ACTION: Received and filed.**

**File #300**

C-2 A communication from the City Manager requesting that Council schedule a public hearing for Monday, September 18, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider an amendment to Enterprise Zone One A and Enterprise Zone Two and its Subzone.

**RECOMMENDED ACTION: Concurred in the request.**

**File #266**

C-3 A communication from William D. Poe, Chair, Board of Zoning Appeals, transmitting the Annual Report for the period July 1, 2005 - June 30, 2006.

**RECOMMENDED ACTION: Received and filed.**

**File #51-109**

C-4 A communication from Samuel F. Vance, IV, representing the Industrial Development Authority, transmitting the Annual Report for the period July 1, 2005 - June 30, 2006.

**RECOMMENDED ACTION: Received and filed.**

**File #109-207**

C-5            Qualification of the following persons:

Charles D. Brunal as a member of the Roanoke Public Library Board, for a term ending June 30, 2009; and

David B. Trinkle as a member of the Roanoke Valley Area Metropolitan Planning Organization, to fill the unexpired term of M. Rupert Cutler, ending June 30, 2008; and as a member of the Roanoke Valley Allegheny Regional Commission, for a term ending June 30, 2009.

**RECOMMENDED ACTION: Received and filed.  
File #15-110-200-326**

**REGULAR AGENDA**

**4. PUBLIC HEARINGS: NONE.**

**5. PETITIONS AND COMMUNICATIONS:**

- a.     Presentation of the 2005-2006 Annual Report of the Fair Housing Board. Sherman V. Burroughs, IV, Vice Chair. (Sponsored by the City Manager.)

**File #109-110-178**

- b.     Request to present Cost Collections Department results for fiscal year 2005-2006. Donald S. Caldwell, Commonwealth's Attorney. (Sponsored by the City Manager.)

**File #133**

- c.     Recommendation by the Clerk of Circuit Court for replacement of microfilm reader/printer equipment and installation of a new debit system; and a communication from the City Manager concurring in the recommendation.

**Adopted Budget Ordinance No. 37505-082106. (7-0)**

**File #60-103-472**

**6. REPORTS OF OFFICERS:**

- a.     CITY MANAGER:

**BRIEFINGS: NONE.**

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of a Green Machine Sidewalk Sweeper from Downtown Roanoke, Inc., for use in the Central Business District.

**Adopted Resolution No. 37506-082106. (7-0)  
File #144-277**

2. Amendment of the City Code to enhance Solid Waste Management operations.

**Adopted Ordinance No. 37507-082106. (7-0)  
File #24-144**

3. Execution of amendments to the contract with S. B. Cox, Incorporated, in connection with development of the Reserve Avenue project area for temporary multi-use athletic facilities; and transfer of funds.

**Adopted Budget Ordinance No. 37508-082106 and  
Ordinance No. 37509-082106. (5-2, Council  
Members Lea and Wishneff voted no.)  
File #60-388**

b. DIRECTOR OF FINANCE:

1. Presentation of the Unaudited Financial Report for Fiscal Year 2006.

**Received and filed.  
File #10**

**7. REPORTS OF COMMITTEES:**

- a. Request of the Roanoke City School Board that a public hearing be held on Monday, September 18, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the issuance of VPSA School Financing Bonds (1997 Resolution) Series 2006 B for the Monterey Elementary School renovation project; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

**Concurred in the request.  
File #467**

- b. Request of the Roanoke City School Board for approval of a State Literary Fund loan application for improvements to William Fleming High School; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

**Adopted Resolution No. 37510-082106. (7-0)**  
**File #467**

- c. Request of the Roanoke City School Board for appropriation of \$7.5 million in Literary Fund Loan funds to provide for a portion of construction costs of the new William Fleming High School; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

**Adopted Budget Ordinance No. 37511-082106 and Resolution No. 37512-082106. (6-1, Council Member Wishneff voted no.)**  
**File #60-467**

- d. Request of the Roanoke City School Board for appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

**Adopted Budget Ordinance No. 37513-082106. (7-0)**  
**File #60-467**

**8. UNFINISHED BUSINESS: NONE.**

**9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

## **10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor and Members of City Council.

**Council Member Lea expressed appreciation to the Members of Council and the City Manager for their support of the Western Virginia Education Classic to be held on August 31 at Liberty University.**

**File #80-304-467**

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Mr. Robert E. Gravely, 727 29th Street, N. W., spoke with regard to overall concerns for the future of the City of Roanoke.**

**File #66**

## **12. CITY MANAGER COMMENTS:**

**The City Manager called attention to the ribbon cutting ceremony for the Colonial Green project which was held on Friday, August 18 that will result in outstanding housing opportunities for the citizens of Roanoke.**

**File #178**

**The City Manager advised that following additional repairs, the Mill Mountain Star will be illuminated in approximately one week.**

**File #67**

THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, ROOM 450, NOEL C. TAYLOR MUNICIPAL BUILDING.





**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**AUGUST 21, 2006  
7:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**Call to Order -- Roll Call. (Mayor Harris was absent.)**

The Invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor David B. Trinkle.

Welcome. Vice-Mayor Trinkle.

**NOTICE:**

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## A. PUBLIC HEARINGS:

1. Request of Mr. and Mrs. Aaron W. Athey to permanently vacate, discontinue and close a portion of an alleyway off of Arbutus Avenue, S. E., running between lots located at 716 and 724 Arbutus Avenue. Mr. and Mrs. Aaron W. Athey, Spokespersons.

**Adopted Ordinance No. 37514-082106. (5-0, Council Member Wishneff was not present when the vote was recorded.)**

**File #514**

2. Request of Pheasant Ridge Condominiums II, LL, Dalton Place, LLC, A & J Holdings, Inc., Integra Investments, LLC, Van Winkle, LLC, Pheasant Ridge Real Estate Holdings, LLC, and Pheasant Ridge Office Building, LLC, *that certain proffered conditions on property located on Pheasant Ridge Road, S. W., be repealed and that such property be rezoned from MX, Mixed Use District, to MXPUD, Mixed Use Planned Unit Development District; that properties located on Griffin Road, S. W., be rezoned from R-7, Residential Single Family District, to MXPUD, Mixed Use Planned Unit Development District; that the portion of Granger Road, S. W., right-of-way containing 0.293 acre, which is the subject of a petition to close and vacate such right-of-way, be rezoned from R-7, Residential Single Family District, to MXPUD, Mixed Use Planned Unit Development District; and that a portion of property on Pheasant Ridge Road, S. W., be rezoned from MX, Mixed Use District, to MXPUD, Mixed Use Planned Unit Development District, to complete the mixture of living unit options in the Pheasant Ridge community and to allow residential uses and related amenities and uses.* William W. Terry, III, Attorney, Spokesperson.

**Adopted Ordinance No. 37515-082106. (6-0)**

**File #51**

3. Request of Mr. and Mrs. Charles C. Duncan, Jr., that property located at 1682 Monterey Road, N. E., be rezoned from R-5, Single Family Residential District, to RMF, Residential Multifamily District, subject to a condition that use of the property will be limited to a congregate home for the elderly with no more than eight unrelated residents. Charles C. Duncan, Jr., Spokesperson.

**Adopted Ordinance No. 37516-082106. (6-0)**

**File #51**

4. Proposal of the City of Roanoke to amend Vision 2001–2020, the City’s Comprehensive Plan, to include the Greater Deyerle Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission, Spokesperson.

**Adopted Ordinance No. 37517–082106. (6–0)**  
**File #424**

5. Proposal of the City of Roanoke to lease 2,688.1 square feet of space within the Roanoke Civic Center Annex, for a term of five years, and an additional 2,459 square feet of space should it become available. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 37518–082106. (6–0)**  
**File #192–373**

## **B. OTHER BUSINESS:**

1. (a) Petition for appeal of a decision of the Architectural Review Board, filed by Marian M. Ali, with regard to installation of vinyl soffits on a structure located at 431 Elm Avenue, S. W.

- (b) Report of the Architectural Review Board with regard to the above referenced petition for appeal. Lora J. Katz, Chair.

**Based upon evidence presented on August 21, 2006, Council voted to affirm the decision of the Architectural Review Board on June 8, 2006, and that no Certificate of Appropriateness be issued for the installation of vinyl material over the roof soffits of a structure located at 431 Elm Avenue, S. W., as set forth in the Petition for Appeal, on the grounds that the proposed installation is not of the same design as the materials on the building and the proposed installation would not maintain the architectural defining features of the building. (4–2, Council Members Mason and Wishneff voted no.)**

**File #249**

## **C. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Ms. Dianne Stevens, 1234 Midvale Avenue, S. W.; Mr. Carl Nunnenkamp, 1121 Hannah Circle, S. W.; and Mr. Mark Mullins, 1106 Hannah Circle, S. W., spoke with regard to acquisition of property in the Hannah Court area in connection with the Roanoke River Flood Reduction Project and for development of open space, park and recreational purposes.**

**File #2-66-237**

**Mr. Rich Cranwell, 2902 Carolina Avenue, S. W., spoke with regard to a Star City Fall Festival, with an emphasis to be placed on Roanoke's youth which is proposed to be held on Saturday, November 11, 2006.**

**File #87-304**

**THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL WEDNESDAY, AUGUST 30, 2006, AT 8:30 A.M., IN THE CARILION BIOMEDICAL INSTITUTE BOARD ROOM, 117 CHURCH AVENUE, S. W., AT WHICH TIME THE COUNCIL WILL PARTICIPATE IN THE CITY'S ANNUAL PLANNING RETREAT.**